

REPORT

ADMINISTRATIVE SERVICES COMMITTEE

MEETING DATE: MARCH 29, 2016

FROM: Clerk's Department

DATE: February 29, 2016

SUBJECT: Municipal Enforcement Strategy

LOCATION: Town wide

WARD: Town wide

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RECOMMENDATION:

1. That a new service delivery model for by-law enforcement services identified as option four - 24/7 Centralized by-law enforcement, in the February 29, 2016 report on Municipal Enforcement Strategy from the Clerk's department be approved; and
2. That implementation option B2 presented in the February 29, 2016 report on a Municipal Enforcement Strategy from the Clerk's department, with implementation costs phased in over 5 years beginning in 2017, be approved.

KEY FACTS:

The following are key points for consideration with respect to this report:

- There is currently no comprehensive by-law enforcement strategy
- By-law enforcement services is only available from 8 a.m. to 5 p.m. Monday to Friday with no after-hours or weekend enforcement – Parking enforcement is available 24/7
- 2011 internal audit identified several recommendations for by-law enforcement services including the need for a comprehensive by-law enforcement strategy
- 2015 Budget Committee directed staff to undertake a review of after-hours by-law enforcement
- A comprehensive review of by-law enforcement services was conducted and included an organizational review, internal and external consultations and a best practices municipal scan
- Opportunities to improve customer service through the centralization of town enforcement activities were also reviewed
- This report provides four service delivery options to provide an enhanced level of service including:
 1. Status quo

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2. Extended by-law enforcement hours with standby
 3. 24/7 by-law enforcement
 4. 24/7 centralized by-law enforcement
- Implementation of a new service delivery model can be achieved in the short-term, through a more gradual process or in a scaled down version
 - Staff recommend implementing option four with a five year phase in period

BACKGROUND:

In 2011, the internal auditor conducted a review of the town's licensing and by-law services. One of the key recommendations from this review identified the need for a comprehensive by-law enforcement strategy.

At its meeting on March 23, 2015, Budget Committee passed the following resolution:

"That staff report to the 2016 Budget Committee with options to provide by-law enforcement during evenings and weekends."

To address the internal audit report and the Budget Committee recommendation a comprehensive organizational review, consultations with internal and external stakeholders, and a best practice review was conducted focusing on developing strategies for enhanced levels of customer service and expanding service hours.

A detailed municipal enforcement strategy including opportunities for enforcement centralization for the Town of Oakville has been developed and is attached as Appendix A.

COMMENT/OPTIONS:Organizational review

The by-law enforcement services division of the Clerk's department is responsible for by-law enforcement, parking control and management of the animal control contract with the Oakville Milton Humane Society. Parking control was moved from Engineering and Construction to the Clerk's department in 2013. As a result, by-law enforcement services now has a pool of 19 officers responsible for enforcement of the majority of the town's by-laws including but not limited to property standards, signs, noise, parking, licensing and zoning. In addition, the division oversees the animal control contract with the Oakville Milton and District Humane Society.

As a result of by-law enforcement services and parking control amalgamating in 2013 there is an opportunity to more efficiently provide service using existing resources. Both sections have similar entry-level prerequisite education and training requirements and are responsible for enforcement of by-laws. The two areas are only differentiated by the complexity of investigations undertaken. When

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considering opportunities for improved efficiencies and effectiveness, a redistribution of work would create opportunities to address existing customer service gaps such as improved call answering and call response.

Consultation

The consultation process for this review was extensive in order to gather information necessary to make strategic decisions for the division. Consultations were held with multiple stakeholder groups including internal audit, building services, fire prevention, forestry, heritage planning, legislative services, park operations, permits and inspections, roads and works, surveys drafting and road corridors, ServiceOakville, corporate communications, human resources, and Halton regional police. The process identified several areas for improvement (outlined in detail in the municipal enforcement strategy attached) including: overlapping responsibilities with other town departments, gaps in customer service both after-hours and during core business hours, limited performance standards and measures, and need for long-term strategic planning.

Best practice review

A best practice scan of other municipalities with after-hours enforcement was conducted and included the cities of Brampton, Guelph, Kitchener, Mississauga, Ottawa and Waterloo.

While each municipality has a diverse set of issues with no one program or structure applicable to all municipalities, each of the municipalities provided a centralized after-hours enforcement structure able to respond to complaints when they are likely to occur. Minor variations in hours and extent of by-laws enforced are noted below.

After-hours comparison		
City	Hours	By-laws enforced
Brampton	24/7	Parking, licensing
Mississauga	24/7	Parking, noise
Guelph	24/7	Most by-laws
Kitchener	24/7	Most by-laws
Waterloo	24/7	Most by-laws
Ottawa	<ul style="list-style-type: none"> • 6 a.m. – 2 a.m. Monday to Thursday • 6 a.m. – 4 a.m. Friday and Saturday 	Most by-laws

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Analysis

Population growth

The town's North Oakville Secondary Plan and Livable Oakville Plan identify planned areas for growth north and south of Dundas Street. Population predictions based on these plans estimate an increase of over 36,000 by 2026. This growth will require additional enforcement resources to address concerns related to new construction and complaints related to established neighborhoods including parking, noise, nuisance, property standards and zoning. This pressure on resources has not been factored into the existing by-law enforcement service model. By-law enforcement services last had an increase to officer compliment in 2002 (one officer), since that time the population has increased by over 60,000.

Enforcement service

Total requests for by-law enforcement have increased from 2500 per year in 2010 to over 3000 per year in 2015 and this number is expected to continue to rise. As indicated, staffing levels have not increased during this time creating a pressure to maintain existing service levels. The recommended service delivery model includes the addition of two enforcement officers to stabilize existing and anticipated new service requirements.

Approximately 1500 enforcement requests per year are received after-hours through town voicemail or Halton regional police. The town does not have resources to respond to these calls, resulting in delayed response and reduced customer service levels. Delayed response to these calls can cause an escalation that would be eliminated with an after-hours strategy.

Under the current service delivery model there are instances when staff pre-plan after-hours investigations primarily for activities related to noise and nuisance. Redistributing responsibilities in parking and the current by-law enforcement services would improve customer service by responding in a timely manner no matter what time issues occur and reduce impact on senior officer availability during core hours.

There is currently one by-law enforcement clerk who receives calls during core business hours. When that clerk is taking calls or helping customers in person, enforcement calls go to voicemail resulting in delayed response and customer frustration. This delay can be improved through integration with *ServiceOakville*, improving response times and de-escalating resident concerns.

Internal audit

The internal audit conducted in 2011 identified the need for a by-law enforcement strategy as well as performance standards, procedures and improved tracking. A

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progressive enforcement procedure has been developed to address these issues and is discussed below. Improved tracking will be addressed through technology improvements also discussed in this report. An overview of internal audit compliance is included in Appendix 2 of the Municipal Enforcement Strategy.

Progressive enforcement procedure

A progressive enforcement procedure has been created to provide enforcement staff with guidance when seeking compliance with by-laws (Appendix 3 of Municipal Enforcement Strategy). The procedure is based on an enforcement continuum that focuses on voluntary compliance and education and outreach. It also addresses prioritization of calls, dealing with complainants, frivolous and vexatious complaints and dealing with children under 16 years of age.

Enforcement responsibility overlap

There are currently overlapping enforcement responsibilities between town departments including by-law services, building services, fire prevention, forestry, heritage planning, legislative services, park operations, permits and construction, roads and works, surveys drafting and road corridors. As a result, staff from multiple areas are often required to respond to a complaint to ensure that it is fully resolved. This causes confusion for residents because it can be difficult to understand who to contact for different enforcement complaints and can create duplication of effort amongst responding staff. A responsibility matrix has been developed as an interim measure to clarify enforcement responsibility among departments. The matrix will not resolve issues related to duplication of effort as this can only be fully resolved through an enforcement centralization process (Appendix 4 of Municipal Enforcement Strategy).

Best practice scan

A best practice scan of municipalities providing after-hours enforcement identified a centralized enforcement structure as most common and effective way to deliver service. The scan also reviewed staffing levels and determined the average officer to population ratio of the comparator municipalities was .02%. Extrapolating this ratio based on Oakville's population identifies the need for 38 staff and currently there are 23.

A staffing model that considers population growth impact on resources is required. The model should target a set staff to population ratio and increase staffing when population targets are reached, allowing for long-term enforcement planning. If the recommended service delivery option is chosen, an enforcement staff to population ratio of .015 would be required to support ongoing enforcement initiatives (Appendix 5 of Municipal Enforcement Strategy). This ratio is less than the average comparator ratio but will meet the requirements of the town's service level needs.

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Technology

To implement an efficient after-hours enforcement program, investments in technology such as licence plate recognition, upgraded AMANDA, mobile applications, and public self-serve options are required. A review should be conducted to identify new technology that will allow enforcement staff to effectively and efficiently interact with residents during investigations. Along with a new staffing model, the recommended service delivery option relies on improved technology to achieve enhanced customer service.

Service level model

The strategy developed focuses on vision, planning and innovation (Appendix 6 of Municipal Enforcement Strategy). The strategy delivers a sustainable, fully optimized, community-based enforcement program. Implementation timelines are included.

Service Delivery Options

Five primary objectives were created and used as a measurement tool for options developed:

1. Enforcement aligned with community
2. Efficient, effective use of resources
3. Efficient, effective service delivery method
4. Staffing aligned with current and future service demands
5. Leverage technology

The municipal enforcement strategy identifies four service delivery options based on the analysis completed which achieve the primary objectives at varying degrees. Below is a summary of the four options including estimated costs and benefit of each.

Option #1 – Status quo

Continue to provide the existing by-law enforcement service level with:

- By-law enforcement available 8 a.m. to 5 p.m. Monday to Friday
- No coverage after 5 p.m. weekdays or on Saturday, Sunday and statutory holidays
- Parking control continues to work 24/7 (enforcing only parking offences)

Technology can be leveraged to improve customer service however no improvements are made to after-hours enforcement. There are no increased costs associated with this option except for those associated with future technology enhancements.

This option is **not recommended**.

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Option #2 – Extended by-law enforcement hours with standby

The second option extends enforcement hours during the day and provides flexibility to call-in staff for life safety issues after-hours; on-call officers would not be available after-hours for any other call types.

- By-law enforcement available 8 a.m. to 6 p.m. Monday to Friday
- By-law enforcement officer on standby after-hours for life safety issues only
- Parking control continues to work 24/7 (enforcing parking offences only)

This option includes both one time and ongoing costs totaling \$304,800 with \$278,600 in ongoing costs:

- Base Operating Cost (ongoing)
 - Two by-law enforcement officers (\$205,500)
 - Supervisor standby (\$29,800)
 - After-hours call handling contract (\$5,000)
 - Yearly standby (\$27,800)
 - Yearly call-in overtime (\$10,500)
- One-time Operating Cost
 - Training (\$5000)
 - Computer and telephone (\$11,200)
 - Contingency (\$10,000)

Implementing this option improves call response during the day by extending service level to 6 p.m. and addresses after-hours concerns related to issues that pose an immediate danger. The resources required for this option will provide an enhanced ability to pre-plan after-hours investigations improving overall customer service.

When measuring this option against project objectives, all categories see an improvement but significant areas of concern still exist:

1. Majority of after-hour response will be delayed (similar to current model)
2. No guaranteed live assistance to callers (day or night)
3. Responsibility for after-hours enforcement rests with a section that does not work after-hours
4. Inefficient growth within the division – by-law enforcement and parking need to grow separately
5. Responsibility overlap between town departments – not centralized

This option is **not recommended**.

Option #3 – 24/7 By-law enforcement

The third option transitions municipal enforcement to a 24/7 operation. The key focus on improved customer service. This is accomplished by having staff available to triage calls at the time they occur to ensure a timely and effective response. This model provides an efficient response to all calls, de-escalating those calls that

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cannot be immediately resolved and forwarding details to the appropriate staff for follow up.

The new service delivery model is achieved by realigning by-law services, transitioning by-law and parking enforcement into two new sections: licensing and standards and mobile compliance. Licensing and standards will be comprised of senior level officers working 8 a.m. to 6 p.m. and mobile compliance intermediate level officers working 24/7. Duties corresponding to the new sections would be optimized (see below) to create an efficient and effective response for residents.

Duties Optimized	
Licensing and Standards	Mobile Compliance
<ul style="list-style-type: none"> • Senior level officers • More complex investigations 	<ul style="list-style-type: none"> • Intermediate level officers • Nuisance type investigations
Zoning	Noise (qualitative)
Property standards	Nuisance
Fence privacy screens	Parks
Fence (apportioning of costs)	Littering
Swimming pool enclosures	Skateboards and rollerblades
Signs (fixed)	Signs (temporary)
Firearms, air guns, spring guns	Fireworks
Motor/ATV vehicles	Animals
Open Wells	Depositing snow on highways
Licensing (stationary)	Disposal of refrigerator
Noise (quantitative)	Idling of vehicles
Taxi inspections	Licensing (mobile, contractor, people)
	Parking

This option includes both one time and ongoing costs totaling \$667,400 with \$530,600 (excluding resource officer) in ongoing costs:

- Base Operating Cost (ongoing)
 - Upgrade existing parking control officers (\$191,600)
 - Two by-law enforcement officers (\$205,500)
 - Upgrade parking supervisor to mobile compliance supervisor (\$8,900)
 - Mobile compliance coordinator (\$108,700)
 - After-hours call handling (\$9,900)
 - Licence plate recognition maintenance fee (\$6,000)
- One-time Operating Cost
 - Computer/telephone (\$16,800)
 - Training (\$10,000)
 - Contingency (\$10,000)

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- Capital Costs
 - Additional licence plate recognition system (\$100,000)

In addition to the above costs, a *resource officer* position has been identified as a required position under this option. Currently it is anticipated that the current enforcement clerk position could be upgraded to take on this responsibility at minimal cost. However, integration with *ServiceOakville* may result in the request for a new FTE to accommodate this position at a cost of \$94,300.

Implementing this option achieves most of the project objectives with the exception of achieving efficient and effective use of resources. The key impediment for optimized town-wide enforcement will continue to be lack of a centralized enforcement area. As a result this option is **not recommended**.

Option #4 – 24/7 Centralized by-law enforcement

The final option builds on option #3 by introducing a process to centralize enforcement responsibilities within by-law enforcement services. Although some enforcement responsibilities are legislated to a specific area, such as building services, in many cases efficiencies can be gained by centralizing enforcement using an existing pool of trained enforcement staff with the ability to respond 24/7. To achieve this goal, a thorough review and integration model will be required.

This option has the same costs as option 3 but includes an additional one-time cost of \$60,000 to hire an integration consultant that would look at how to centralize all enforcement activities across the town. Therefore the total cost of this option is \$727,400 with \$530,600 (excluding resource officer) in ongoing costs.

This option achieves all project goals and the town's vision of providing outstanding service to our residents and business and **is recommended**. In addition, when fully implemented the recommended model will result the reduction of one summer intermediate enforcement officer with an ongoing operating savings of approximately \$25,740.

The following table provides a summary comparison of the various options, with Option 4 being the recommended option:

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	OPTION 1 • Status Quo	OPTION 2 • 1 hour additional by-law enforcement • Stand by for life safety only	OPTION 3 • 24/7 enforcement • Re-alignment of by-law enforcement services duties	OPTION 4 • 24/7 enforcement • Re-alignment of by-law enforcement services duties • Centralized enforcement through integration
On-Going Base Operating Costs: • Personnel Costs (new and re-grades) • Stand-by/Over-time • Contracted Services for after-hour service • Software Maintenance - LPR system • Staff Efficiency upon implementation	- - - - -	205,500 68,100 5,000 - -	514,700 - 9,900 6,000 -	514,700 - 9,900 6,000 (25,700)
Total Base Operating Impact	\$ -	\$ 278,600	\$ 530,600	\$ 504,900
FTE Impact	-	2.00	3.00	3.00
One-time Operating Costs • Training and Staff Accommodations • Integration Consultant • Contingency	- - -	16,200 - 10,000	26,800 - 10,000	26,800 60,000 10,000
Total One-time Operating Costs	\$ -	\$ 26,200	\$ 36,800	\$ 96,800
Capital Costs • New licence plate recognition (LPR) system	-	-	100,000	100,000
Total Capital Costs	\$ -	\$ -	\$ 100,000	\$ 100,000
Total Enforcement Strategy Costs	\$ -	\$ 304,800	\$ 667,400	\$ 701,700

*Note: Personnel and stand-by costs are subject to the town's job evaluation process and/or labour negotiations

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Cost recovery considerations

The five year average cost recovery rate for by-law services is 72.4% (excluding parking control which is part of an enterprise and recovers 100%). If option four is implemented and no additional sources of recovery are identified the rate will drop to 54.4%. This rate provides a significant level of cost recovery but there will also be new opportunities available to off-set costs.

While there is no direct correlation between additional officers and increased revenue (except for parking enforcement) we can anticipate that increased enforcement will result in new fine and administrative penalty revenue. Staff currently issue an average of 90 administrative penalty notices per year at \$300 each. When fully implemented, the recommended option will see an additional twelve staff issuing administrative penalty notices resulting in an estimated 156 new notices per year. Legal and administrative costs will reduce some of the total recovery but increased recovery can be expected.

An increased ability to monitor and enforce sign violations (mobile and fixed) and mobile or transient businesses (e.g. roofers, driveway paving contractors, lawn maintenance contractors, driving schools, pool installers, refreshment vehicles and limousines, etc.) will be created by the recommended structure, resulting in enhanced cost recovery opportunities. Mobile compliance officers will proactively monitor transient issues 24/7 improving cost recovery through licensing fees, permit fees and administrative charges. It's not possible to identify the number of unlicensed contractors currently operating in Oakville but a minimal increase of 55 licences spread across multiple categories (roofers, driveway paving contractors, lawn maintenance contractors, driving schools, pool installers, refreshment vehicles and limousines) would increase overall cost recovery by more than \$25,000.

The new structure can also provide enhanced cost recovery through new and revised by-laws. An assessment will be conducted on all by-laws to identify cost recovery opportunities. One of the first opportunities will consider removing lot maintenance issues from the property standards by-law. If done, when lot maintenance issues such as long grass arise, fees can be added to achieve cost recovery and act as a deterrence. Staff currently respond to an average of 190 long grass calls per year. If a fee of \$75 (officer cost plus travel) was implemented, an additional \$14,250 would be obtained to cover the cost of long grass enforcement. This methodology will be investigated for similar enforcement scenarios including mobile signs, fixed signs, fences and nuisance.

When implementing new by-laws a greater emphasis will be placed on cost recovery through administrative fees. Staff are currently reviewing implementation of a maintenance of vacant properties by-law. An analysis will be conducted to ensure that if the by-law is approved, registration fees, administrative fees and

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administrative penalties will cover all costs associated with administering and enforcing the by-law.

In summary, once fully implemented there is a potential that additional revenue of \$50,000 to \$80,000 may be generated.

Implementing new service delivery model

Implementation of a new service delivery model can also be achieved in the short-term, through a more gradual process or in a scaled down version.

Implementation Option A – Short-term implementation

The total cost over the implementation period is \$701,700 (including one-time and ongoing).

Option A – three year phase-in beginning 2017				
	Year 1**	Year 2	Year 3	Total
New FTEs	3.0*	0.0	0.0	3.0*
Base Operating Costs	\$530,600	0	(\$25,700)	\$504,900
On-time Operating Costs	\$36,800	0	\$60,000	\$96,800
Capital Costs	\$100,000			\$100,000

*an additional FTE may be required if ServiceOakville integration requires additional resources at an estimated cost of (\$94,300) ongoing.

**24/7 enforcement starts in year one

Under this option a total of \$530,600 would need to be incorporated into the 2017 base operating budget which would result in a 0.31% increase to the tax levy. The \$96,800 in one-time costs in 2017 and 2019 could be funded from the tax stabilization reserve to minimize the impact on the tax levy. The \$100,000 cost of the new license plate recognition (LPR) system would be included in the 2017 capital budget which would be funded from the parking reserve fund.

Implementation Option B – Extended Implementation

Option B1 and B2 phases-in 24/7 enforcement deferring some costs. The deferral will result in reduced service level increases until the option is fully implemented. The total cost for both options over the implementation period is \$754,000 (including one-time and ongoing). Front end stand-by and overtime costs are required in the interim of obtaining full-time staff.

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Implementation Option B1 – four year phase-in beginning in 2017					
	Year 1**	Year 2***	Year 3****	Year 4	Total
New FTEs	2.0	0.0	1.0*	0.0	3.0*
Base Operating Costs	\$278,600	\$211,400	\$108,700	(\$25,700)	\$573,000
On-time Operating Costs	\$16,200		\$4,800	\$60,000	\$81,000
Capital Costs		\$100,000			\$100,000

*Additional FTE may be required in year three if ServiceOakville integration requires additional resources, estimated cost (\$94,300) ongoing.

**Emergency after-hours call-in begins in year one

*** 24/7 enforcement begins in year two

****stand-by and overtime costs are phased out starting in year three

Implementation Option B2 – five year phase-in beginning 2017						
	Year 1**	Year 2	Year 3****	Year 4	Year 5	Total
FTEs	1.0	1.0	0.0	1.0*	0.0	3.0*
Base Operating Costs	\$175,850	\$102,750	\$211,400	\$108,700	(\$25,700)	\$573,000
On-time Operating Costs	\$8,100	\$8,100		\$4,800	\$60,000	\$81,000
Capital Costs			\$100,000			\$100,000

*Second FTE may be required in year four if ServiceOakville integration requires additional resources, additional (\$94,300) ongoing cost

**Emergency after-hours call-in begins in year one

**24/7 enforcement starts in year three

****stand-by and overtime costs are phased out starting in year three

Under both these options a total of \$573,000 would need to be incorporated into the base operating budget which represents approximately a 0.33% increase to the tax levy once fully implemented. The \$81,000 in one-time costs could be funded from the tax stabilization reserve to minimize the impact on the tax levy. The \$100,000 cost of the new license plate recognition (LPR) system would be included in the

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capital budget in the year indicated which would be funded from the parking reserve fund.

Implementation Option C – Scaled Implementation

It is also possible to implement the recommended option based on a scaled down model. Any components removed will have service level impacts as outlined in the chart below.

Implementation Option C – scaled implementation	
Scalable component	Service level impact
Two by-law enforcement officers (\$205,500)	<ul style="list-style-type: none"> Increased overtime and reduced after-hours response Growth gap
One coordinator (\$108,700)	<ul style="list-style-type: none"> Supervision gap
One LRP system (\$100,000)	<ul style="list-style-type: none"> Reduced ability to maintain existing parking enforcement service levels

Conclusion:

The recommended option is option four with a five year phase in period. Option three and four are very similar but option four recognizes that a thorough review by an integration consultant will be required to facilitate the centralization of enforcement responsibilities to optimize the efficient and effective use of resources. Option four achieves all of the project objectives and delivers a sustainable, fully optimized, community-based enforcement program.

CONSIDERATIONS:

(A) PUBLIC

Implementation of the recommended option will enhance customer service through the implementation of a new service delivery model focusing on 24/7 customer focused service delivery, long range planning and developing innovative responses to community concerns.

(B) FINANCIAL

Based on analysis completed by staff, option 4 with the 5 year phase-in implementation is recommended. The total cost of this option/phase-in plan results in a base operating budget increase of \$573,000 or a 0.33% increase to the tax levy which would be phased in over 5 years with approximately 0.1% impact to the tax levy in the first 4 years. The \$81,000 in one-time costs could be funded from the Tax Stabilization reserve to

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minimize the impact on the tax levy. The \$100,000 cost of the new license plate recognition (LPR) system would be included in the capital budget which would be funded from the Parking reserve fund.

Upon full implementation it is estimated that between \$50,000 and \$80,000 per year in new revenue may be realized which would help offset any tax levy impact.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

If the recommended option is chosen, a future exercise will be conducted to identify opportunities to centralize town enforcement within municipal enforcement services.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- continuously improve our programs and services
- provide outstanding service to our residents and businesses
- be innovative in everything we do

(E) COMMUNITY SUSTAINABILITY

Implementation of a new service delivery model and enforcement strategy will address the economic, environmental and cultural sustainability pillars through ongoing 24/7 community focused by-law enforcement services.

APPENDICES:

Appendix A – Municipal enforcement strategy

Prepared by:
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Municipal Enforcement Services

Submitted by:
Vicki Tytaneck
Town Clerk