
Policy Statement: By-law Enforcement Protocol

Department: All Departments
Primary Administration by Planning & Development/Fire Department

Index Number: PD-002-17

Effective Date: 11/15/2017, Resolution #: 259-17/254-17

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Policy Statement:

The goal of this policy is to ensure by-law enforcement supports community:

- safety standards
- peacefulness; and
- integrity and cleanliness.

This will be done through:

- education and voluntary compliance
- a clear, cohesive enforcement process and accountability framework
- using a reasonable and progressive enforcement approaches
- use of deadlines to bring resolution in a timely manner.

Purpose:

The purpose of this policy is to provide general guidance so that there will be a level of expectation and understanding of enforcement practices and priorities.

Scope:

Enforcement officers investigate and inspect private and public property, including municipally licensed and permitted businesses and premises owned by staff or Council.

Priorities:

In administering enforcement, health and safety issues shall have first priority, reactive enforcement shall have second priority (with the exception of retaliatory complaints) followed by proactive enforcement files. Retaliatory complaints will have the lowest priority unless health and safety related.

Reactive enforcement entails enforcement officers responding to complaints as submitted by members of the public, staff and/or Council.

Proactive enforcement involves enforcement officers initiating enforcement for issues involving:

- the health and safety of the residents and visitors
- contraventions that are deemed detrimental to the overall image of the Township, such as significant and/or egregious cluttered yards and significant environmental contraventions.

Without limiting the generality of the foregoing, the approved enforcement matrix is attached in the Appendices.



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Process for Selecting Proactive Files:

Files selected for proactive enforcement shall be approved by the Chief Building Official and Director of Planning & Services or their designate(s) using their best judgment. Proactive enforcement files shall generally be identified on an annual basis, with particular care to settlement areas and gateway streets in the Township, and the number of files selected will be based on resources available.

Complaint Procedures:

Filing Complaint

All complaints shall be in writing, on-line or via email with the exception of complaints related to health and safety or complaints requiring immediate attention. Complaints must be on the prescribed form or must contain the following minimum information:

- Date: Date of Complaint
- Complainant information: Name, Street Address, Tel, Email, Preferred method of contact
- Subject of complaint: Name of owner/tenant (if known), Street Address
- Complaint Details: Nature of alleged infraction, dates of alleged infractions, impact on complainant, parties involved
- For complaints regarding after-hour by-law infractions (such as noise, animals, etc.) photos/video and a signed statement is required
- For residential standard complaints (tenant-landlord issues), the tenant shall submit a copy of their written request to their landlord clearly identifying the issue and requesting it be remedied in a reasonable amount of time (suggest minimum of 10 days but will vary depending on issue).

Receipt of Complaint

All complaints made via the Township website will receive an automated response with information on what staff member the inquiry has been directed to. Complaints via other methods will be acknowledged within 5 days, also providing the information on what staff member will be processing the inquiry and the assigned file number.

Affidavit

An affidavit may be required to be submitted to support enforcement. Should the matter proceed to court, it is likely necessary for complainants to attend as a witness to the violation. Failure to provide an affidavit and/or act as a witness may terminate enforcement procedures.

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Withdrawal

Complainants may withdraw complaints. However, this will not necessarily dissociate their name from the file should the matter proceed to court. Continuation of enforcement after a withdrawn complaint will be at the officer's discretion considering status of file, nature of violation priority (reactive or proactive), workload and confidentiality desires.

After Hour Complaints

After hours response will be limited to dangerous and/or injured dogs. The Manager/Director may authorize after hour enforcement/surveillance in exceptional circumstances (flex time). (Example: Where there is a clearly established pattern of non-compliance that would provide reasonable expectation of return on time invested.)

Third Party Information

Third party information is not admissible in Court. Further, third party complaints slow response as they usually lack necessary information. As such, complaints shall be required to be from persons with first-hand information and first hand supporting documentation.

Council Complaints/Queries

Members of Council shall generally direct constituents to contact the by-law enforcement officer through the available complaint methods. If a constituent has a concern with the enforcement process associated with a complaint, the member of Council shall generally ask for the file number and direct their inquiries, with the appropriate file number, to the Manager or Director responsible for by-law enforcement or the Chief Administrative Officer. Members of Council may initiate complaints in accordance with the complaint process based on first-hand information.

Confidentiality

The Township respects the privacy of all citizens. Complainant names will be kept confidential unless the matter goes to court and they are required to appear as a witness. Similarly, details respecting the status of an enforcement file will be kept confidential to protect the alleged offender's rights and the integrity of the enforcement process. Progress reports will be in accordance with the relevant section of this policy.

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Progress Reports to Complainants

Staff will provide updates to complainants regarding active files upon commencement, upon request or upon closing of the file. Progress reports may be requested by email or telephone to the responsible officer, the Manager or the appropriate Director. Complainants are encouraged to contact staff no sooner than every 1 month unless there is an immediate health and safety issue, change to circumstances or additional information.

To protect privacy, updates shall only consist of the following detail:

- Active Files: Request letter(s) issued, order issued, compliance time granted, meeting scheduled, fine issued, summons to court (Provincial Offences Notice issued), No action/suspended – low priority status
- Closed Files: No violation, violation satisfactorily resolved, lack of evidence to proceed, enforcement terminated due to lack of cooperation by complainant, minor

Enforcement Process:

The enforcement process is detailed in the appendices, however enforcement officers have the discretion to modify process based on their judgement. The following guiding principles shall apply to enforcement:

1. Enforcement under different policy/acts to be concurrent wherever possible.
2. Each member of our community has the right to live in a safe, peaceful, and attractive community.
3. Rational people can have different opinions regarding the definition of community safety, peacefulness, and attractiveness and the enforcement department will have to make determinations that all may not be satisfied with.
4. The enforcement department retains the right to allow infractions of a minor in nature to continue without enforcement.
5. The enforcement department retains the right to allow infractions due to exceptional occurrences.
6. That by-law enforcement is a major element in ensuring community safety, peacefulness, and attractiveness.
7. That the maintenance of our community has an economic value, as well as the obvious values of having members of our community feel safe and satisfied with their surroundings.

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8. That by-law enforcement staff has the responsibility to attempt to balance the public good and the rights of individuals when utilizing various approaches to the enforcement of various by-laws.
9. That through the enactment of by-laws, Council has set specific policies on a number of by-law related issues; it is the responsibility of Council to support the enforcement of these by-laws or to attempt to change them.
10. Council supports the Chief Administrative Officer in their role as required to determine specific enforcement protocols for implementing policies on By-Law Enforcement as established in by-laws and in this policy statement.
11. Staff will enforce the by-laws equitably and to apply the level of enforcement that best fits the type and circumstances of the by-law violation in order to achieve compliance with the by-law(s).
12. Every by-law violation is unique and the method of dealing with a by-law complaint should reflect what is necessary in order to resolve it rather than to be unnecessarily punitive.
13. Property owners should always have the opportunity of using the least expensive option.
14. Time extensions may be permitted based on the nature of the issue and cooperation level of the property owner.

Administration, Policy Compliance and Accountability

The Planning & Development Department is responsible for administering this policy for all departments with the exception of Fire Code related matters. The Director under the authority of Chief Administrative Officer, shall be responsible for overseeing compliance, approving variations of and providing direction with respect to this policy, considering individual circumstances and human resource capacity of the department. For the fire department the Fire Chief shall be responsible for these functions under the authority of Chief Administrative Officer.

Related Standards, Policies and Processes

All municipal by-laws. Provincial Offences Act and other provincial acts. PD-001-17 (Customer Service Standards). Case Law.

Appendix

Appendix A - Enforcement Level Matrix
Appendix B - Enforcement Process

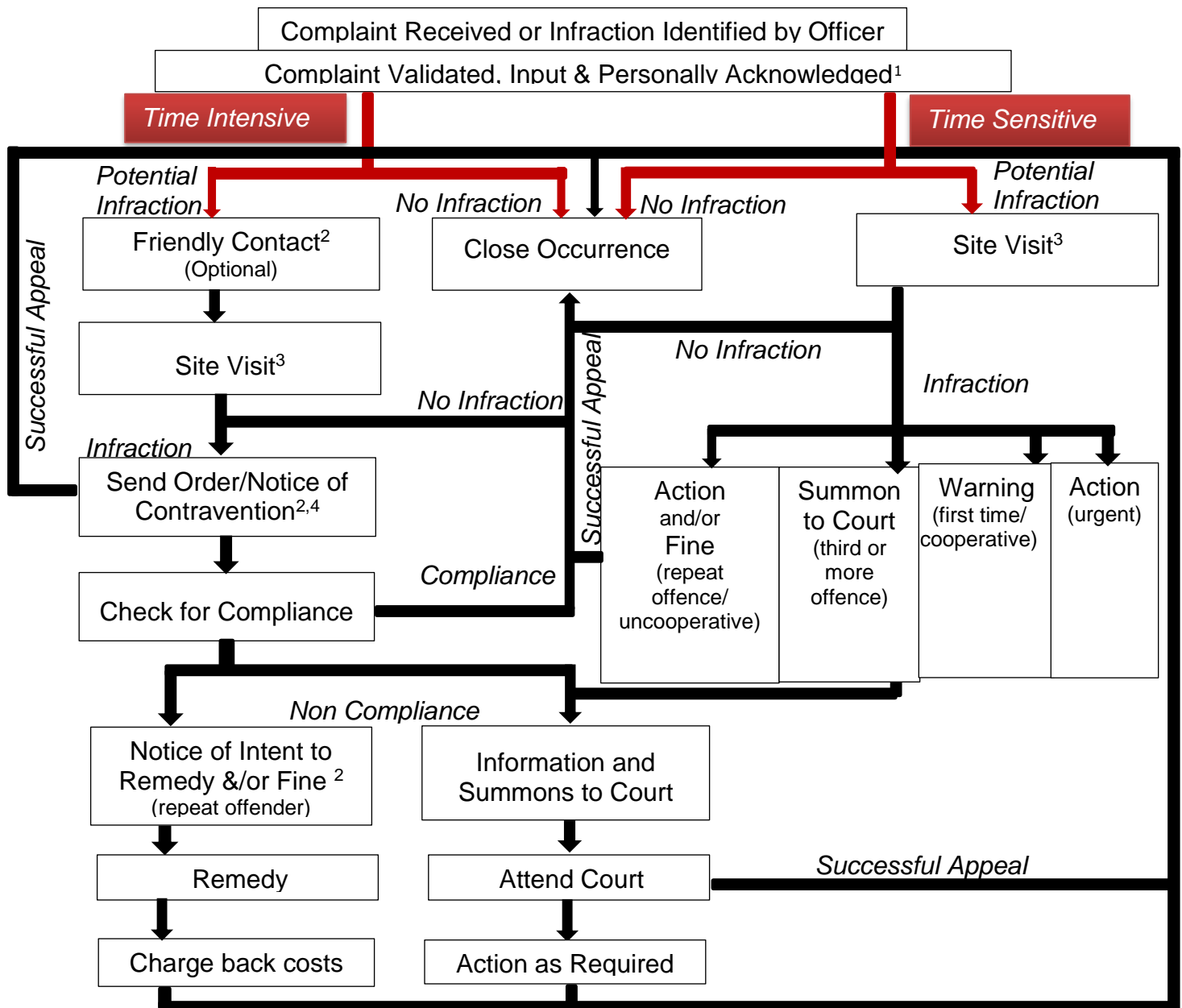


Appendix A – By-law Enforcement Level Matrix

By-law	By-law No.	Proactive (Township Initiates)	Complaint
Building Code Act & Building By-law (includes Unsafe Structures)	13-028	●	●
Canine By-law (kennels, license, at large barking, scattering trash, feces)	17-006	● Running at large	●
Damage to Township infrastructure		●	
Fire Code		●	
Idling By-law	26-05		●
Outdoor Furnace By-law	01-090		●
Parking By-law	08-058	● Rockport	●
Property Standards	45-02	● Egregious	●
Refreshment Vehicle By-law	17-014 (amended by 17-022)	● Safety Matters Environmental	● ●
Site Plans	11-002, 15-07 & 14-07 (delegat'n)	● Environmental	●
Swimming Pool By-law (Safety Measures)	13-024	● Safety Matters	●
Winter Parking By-law (no parking 11 pm-7 am Dec 1-April 1)	92-01	●	●
Yards/Safe Property By-law	06-045 (amended by 06-066)	● Egregious	●
Zoning By-law	07-079 as amended	● Recreational vehicles & Environmental	●



Complaint Flow Chart



¹ Timeline for each step is 1-5 business days and timeline starts after the completion of the prior stage or its deadline. Target timelines do not make allowance for vacation or appeal processing.

² Guidelines for compliance (in calendar days)*:

Garbage: 3 to 5	Grass/brush: 5-10
Rubbish in Yards: 5 days to 1 month, 10 days or sooner for repeat	
Zoning: 2 weeks - 1 month	Building: 2 weeks - 1 month
Other: 2 weeks – 1 month	

* Extensions may be granted by enforcement officer if substantial progress made and time frame deemed reasonable by Officer. Generally 1 month maximum.

³ Officer to speak with owner/tenant if possible, examine for non-compliance of all proactive policy.

⁴ Order to include notice of prohibition where possible.